STATE OF MICHIGAN

COURT OF APPEALS

GARY MCCLURE and RUTH MCCLURE,

Plaintiffs-Appellants/Cross-Appellees,

v

OAKLAND COUNTY, OAKLAND COUNTY SHERIFF'S DEPARTMENT, and OAKLAND COUNTY SHERIFF,

Defendants-Appellees/Cross-Appellants.

UNPUBLISHED
September 18, 2001

No. 214875
Oakland Circuit Court
LC No. 95-492114-CZ

Before: Doctoroff, P.J., and Holbrook, Jr., and Hoekstra, JJ.

PER CURIAM.

In this case involving the Whistleblower's Projection Act (WPA), MCL 15.362 *et seq.*, plaintiffs appeal as of right from the April 27, 1998, directed verdict in favor of defendants. We affirm.

Plaintiff Gary McClure (hereinafter plaintiff)[1] has worked as a deputy in the Oakland County Sheriff's Department (OCSD) since 1988. In 1993, he was assigned to the Narcotics Enforcement Team (NET), which is jointly operated and controlled by the Michigan State Police (MSP). After he was involved in a traffic accident in the summer of 1994, plaintiff was involuntarily removed from the NET. Subsequently, plaintiff reported alleged instances of corruption within the OCSD and the NET to the OCSD captain in change of overseeing the NET. Sometime later, plaintiff repeated his charges to a MSP lieutenant and a member of the Oakland County prosecutor's office. Plaintiff's complaint alleged that he was subjected to adverse employment actions as a consequence of his reporting of corruption. At the close of plaintiffs' proofs, defendants moved for a directed verdict. The trial court granted the motion, finding that plaintiffs had not established their prima facie case, and, in the alternative, that defendants had articulated a legitimate business reason for the employment actions taken. The court subsequently denied plaintiffs' motion for a new trial.

[1] Plaintiff Ruth McClure's only claim was for a loss of consortium. The substantive issues surrounding the WPA only relate to her husband.

Plaintiffs first argue that the trial court erred in granting defendants' motion for a directed verdict. We disagree. We review de novo a trial court's ruling on a motion for a directed verdict. *Meagher v Wayne State Univ*, 222 Mich App 700, 708; 565 NW2d 401 (1997).

> In reviewing the trial court's ruling, this Court views the evidence presented up to the time of the motion in the light most favorable to the nonmoving party, grants that party every reasonable inference, and resolves any conflict in the evidence in that party's favor to decide whether a question of fact existed. A directed verdict is appropriate only when no factual questions exist on which reasonable minds could differ. [*Wickens v Oakwood Healthcare System*, 242 Mich App 385, 388-389; 619 NW2d 7 (2000).]

To establish a prima facie case under the WPA, a plaintiff must show (1) that the plaintiff was engaged in activities the WPA defines as protected; (2) that the plaintiff was subsequently discharged, threatened, or otherwise discriminated against with regard to the plaintiff's compensation, terms, conditions, location, or privileges of employment; and (3) that a causal connection exist between these adverse employment actions and the protected activity. MCL 15.362; *Henry v Detroit*, 234 Mich App 405, 409; 594 NW2d 107 (1999).

After reviewing the evidence in the appropriate light, we agree with the trial court that plaintiff failed to establish his prima facie case. While plaintiff did engage in protected activity, we agree with the trial court that plaintiff failed to establish the requisite causal connection between his reporting of alleged corruption and any adverse employment actions taken by his employer. Indeed, one of the actions complained of—the involuntary transfer out of NET—took place before plaintiff even raised his allegations. As for the other events, plaintiff has failed to provide any evidence beyond mere speculation, based on the fallacious reasoning that because the events occurred after the reports were made, the reporting must have caused the events. Further, we also agree with the trial court that defendants have shown that there were legitimate business reasons for each action taken. The record is devoid of evidence that these nondiscriminatory reasons were only a pretext. See *Phinney v Perlmuter*, 222 Mich App 513, 563; 564 NW2d 532 (1997).

For these same reasons, we also reject plaintiffs' assertion that the trial court abused its discretion in denying their motion for a new trial on the grounds that the court's decision was against the great weight of the evidence. *People v Calloway*, 169 Mich App 810, 826; 427 NW2d 194 (1988)("An abuse of discretion will be found only where the trial court's denial of the motion was manifestly against the clear weight of the evidence."). We do not find such to be the case here.

Affirmed.

/s/ Martin M. Doctoroff
/s/ Donald E. Holbrook, Jr.
/s/ Joel P. Hoekstra